

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HELLO FARMS
LICENSING MI LLC,

Plaintiff,

Case No. 21-cv-10499
Hon. Matthew F. Leitman

v.

GR VENDING MI, LLC, *et al.*,

Defendants.

/

**ORDER GRANTING DEFENDANTS LEAVE
TO FILE A FIRST AMENDED COUNTERCLAIM**

On February 1, 2021, Plaintiff Hello Farms Licensing MI LLC filed this breach of contract action against Defendants GR Vending MI, LLC and CURA MI, LLC in the Arenac County Circuit Court. (*See* Compl., ECF No. 1-1.) Defendants later removed the action to this Court (*see* Notice of Removal, ECF No. 1) and filed a Counterclaim against Hello Farms. (*See* Counterclaims, ECF No. 9.)

Hello Farms has now filed a motion for judgment on the pleadings pursuant to Federal Rule of Civil Procedure 12(c). (*See* Mot, ECF No. 17.) Hello Farms seeks a ruling in its favor on its affirmative claims and on Defendants' Counterclaim. (*See id.*) Hello Farms argues, among other things, that Defendants have failed to sufficiently plead an entitlement to relief on their Counterclaim. (*See id.*)

Without expressing any view regarding the merits of the motion for judgment on the pleadings, the Court will grant Defendants the opportunity to file a First Amended Counterclaim in order to remedy the alleged deficiencies in their Counterclaim identified by Hello Farms. The Court does not anticipate allowing Defendants another opportunity to amend to add factual allegations that they could now include in their First Amended Counterclaim. Simply put, this is Defendants opportunity to allege any and all additional facts, currently known to them, that may cure the alleged deficiencies in their Counterclaim.

By **September 9, 2021**, Defendants shall notify the Court and Hello Farms in writing whether they will amend their Counterclaim or respond to the motion for judgment on the pleadings. If Defendants provide notice that they will be filing a First Amended Counterclaim, they shall file that amended pleading by no later than **September 23, 2021**. Upon the filing of a First Amended Counterclaim, the Court will terminate without prejudice Hello Farms' currently pending motion for judgment on the pleadings as moot. If Defendants file a First Amended Counterclaim, Hello Farms may re-file a motion for judgment on the pleadings if it believes such a motion is appropriate. That motion shall not exceed **35 pages**.

If Defendants provide notice that they will not be filing a First Amended Complaint, they shall file a response to Hello Farms' motion for judgment on the pleadings by no later than **September 23, 2021**.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: August 26, 2021

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on August 26, 2021, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
(810) 341-9764